

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

JULIAN GUTIERREZ-PONCE,
Defendant.

NO. CR20-036RSL

PROTECTIVE ORDER

This matter comes before the Court on the Stipulated Motion for a Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the stipulated motion, and hence:

IT IS HEREBY ORDERED that the discovery materials discussed in the Stipulated Motion for a Protective Order and referred to therein as “Protected Material,” marked specially as “Produced Subject to a Protective Order,” may be produced to counsel for Defendant Julian Gutierrez-Ponce in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to counsel for Mr. Gutierrez-Ponce and their staff members, and to any investigators, expert witnesses, and other agents that counsel for Mr. Gutierrez-Ponce hires in connection with this case. Counsel for Mr. Gutierrez-Ponce, and their staff members, investigators, expert

1 witnesses, and other agents may review Protected Material with Mr. Gutierrez-Ponce. Mr.
2 Gutierrez-Ponce may inspect and review Protected Material, but shall not be allowed to
3 possess, photograph, or record Protected Material.

4 IT IS FURTHER ORDERED that counsel for Mr. Gutierrez-Ponce shall not provide
5 Protected Material to any person other than their staff members, investigators, expert
6 witnesses, and other agents that counsel for Mr. Gutierrez-Ponce hires. A copy of the
7 Protected Material shall not be sent to the Federal Detention Center.

8 IT IS FURTHER ORDERED that Mr. Gutierrez-Ponce, his counsel, and others to
9 whom disclosure of the content of the Protected Material may be necessary to assist with the
10 preparation of the defense, shall not disclose the Protected Material or its contents, other than
11 as necessary for the preparation of defenses at trial and in subsequent appellate proceedings,
12 if necessary.

13 IT IS FURTHER ORDERED that if defense counsel finds it necessary to file any
14 documents marked as Protected Material, the material shall be filed under seal with the
15 Court.

16 Nothing in this Protective Order prohibits counsel for Mr. Gutierrez-Ponce from
17 showing the Protected Material to, or reviewing its contents with, Mr. Gutierrez-Ponce or
18 others to whom disclosure may be necessary to assist with the preparation of the defense at
19 trial and in subsequent appellate proceedings, if necessary.

20 Nothing in this Protective Order prohibits co-defendant Juan Jose Vega-Flores from
21 possessing and reviewing the contents downloaded from his cell phone, as described in the
22 Stipulated Motion for a Protective Order.

23 Nothing in this Protective Order prohibits counsel for Mr. Gutierrez-Ponce from
24 disputing the designation of material as Protected Material and, if agreement cannot be
25 reached between the United States and Mr. Gutierrez-Ponce, seeking a determination by this
26 Court.

1 At the conclusion of the case, the Protective Material shall be returned to the
2 United States, or destroyed, or otherwise stored in a manner to ensure that it is not
3 subsequently duplicated or disseminated in violation of this Protective Order.

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5 DATED this 2nd day of June, 2020.

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9 Robert S. Lasnik
10 United States District Judge

11 Presented by:

12 /s/ Neal Christiansen

13 NEAL B. CHRISTIANSEN
14 Assistant United States Attorney